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June 10

CONCORD, N.H.

Mr. Arnold J. W. Cheney
Chief of Law Enforcement
Fish and Game Department
State House Annex

Dear Sir:

In a letter of June 5, 1953, you have inquired whether the Director may issue a special hunting and fishing license, as provided by Laws 1953, c. 103, to service personnel who are on "pass" as distinguished from those who are on "leave or furlough." We answer in the negative.

There is a clear and well understood distinction between the military status designated by "pass" and that intended by the term "leave or furlough". The former connotes simple permission to be absent from one's place of duty for a limited time, not in excess of 72 hours, A R 600 - 115, par. 5(c). Time spent on pass is not credited against leave guaranteed by the Armed Forces Leave Act of 1946 (Tit 37 U.S.C. c. 31a). It does not carry with it commutation of rations, nor of quarters. In general, the pass is the authority under which service personnel may be absent from their stations at times when their services are not actually required.

Leaves or furloughs are granted under the authority of the Armed Forces Act of 1946, cited above. The right to a leave or furlough is earned by satisfactory service; once earned it is guaranteed by the statute.

It is granted on formal orders, and carries with it commutation of rations and quarters. Generally, leave or furlough covers an extended period, and is analogous to the civilian vacation.

Laws 1953, c. 103, insofar as it deals with servicemen is practically a re-enactment in terms of Laws 1943, c. 180. In the law

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ATTORNEY-GENERAL

Mr. Arnold J. H. Cheney

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last cited the identical term "leave or furlough" was used. It is my understanding that in the administration of that statute the distinction between "leave and furlough" and "pass" set forth above was recognized, and the law was held to apply only to those military personnel who were on leave or furlough. No legal reason is perceived why the present statute requires a broader interpretation.

Very truly yours,

Warren E. Waters
Assistant Attorney General

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